

Message Text

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ACTION EA-09

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FM AMEMBASSY MANILA

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C O N F I D E N T I A L MANILA 12825

E. O. 11652: GDS

TAGS: SHUM, PINT, RP

SUBJECT: APPRAISAL OF ICJ REPORT ON THE PHILIPPINES

1. SUMMARY. THE EMBASSY SUBSCRIBES GENERALLY TO THE CONCLUSIONS AND RECOMMENDATIONS EMBODIED IN THE RECENT CRITICAL REPORT ON THE PHILIPPINES BY THE INTERNATIONAL COMMISSION OF JURISTS. WHILE WE BELIEVE THE STUDY SHOWS A CERTAIN ANTI-GOP BIAS IN EMPHASIS, IT IS A USEFUL ADDITION TO THE BODY OF LITERATURE ON HUMAN RIGHTS IN THE PHILIPPINES AND SHOULD BE SUPPORTIVE OF U.S. POLICY IN THIS AREA. END SUMMARY.

2. A NUMBER OF EMBASSY OFFICERS HAVE NOW HAD AN OPPORTUNITY TO REVIEW THE FULL TEXT OF THE REPORT OF THE INTERNATIONAL COMMISSION OF JURISTS ENTITLED "THE DECLINE OF DEMOCRACY IN THE PHILIPPINES" WHICH WAS RELEASED IN GENEVA ON AUGUST 3. GENERALLY WE FIND IT A USEFUL ADDITION TO THE GROWING BODY OF LITERATURE ON "HUMAN RIGHTS" IN THE PHILIPPINES. WE VIEW IT AS A SERIOUS EFFORT BY THE WRITERS TO PRESENT A STATUS REPORT ON THESE ISSUES HERE, WITH SOME HISTORICAL PERSPECTIVE AND FROM THE VIEWPOINT OF THEIR SPECIAL JURIDICAL DISCIPLINE. THE REPORT IS PARTICULARLY NOTEWORTH IN THAT IT SEEKS TO TREAT THE BROADER SPECTRUM OF HUMAN RIGHTS (INTEGRITY OF THE PERSON, CONFIDENTIAL

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ECONOMIC RIGHTS, CIVIL AND POLITICAL LIBERTIES) WHICH IS OUTLINED IN SECRETARY VANCE'S ATHENS, GEORGIA, SPEECH OF APRIL 30.

3. WHILE WE HAVE NOT SOUGHT TO VERIFY THE GREAT BODY OF FACT IN THE REPORT, OUR SENSE IS THAT THE STUDY HAS BEEN PREPARED WITH CARE AND WITH A GOOD DEGREE OF ACCURACY.

WE FIND LITTLE TO QUARREL WITH IN THE SHARPLY CRITICAL "CONCLUSIONS" SECTION OF THE REPORT. SIMILARLY, WE WOULD SUBSCRIBE BY AND LARGE TO THE REPORT'S RECOMMENDATIONS FOR IMPROVING THE HUMAN RIGHTS SITUATION IN THE PHILIPPINES.

4. IN ALL FAIRNESS TO THE GOP, HOWEVER, WE DO BELIEVE THE REPORT, WHICH IS ALMOST UNREMITTINGLY CRITICAL, SHOWS A CERTAIN BIAS IN EMPHASIS. FOR EXAMPLE, THE TREATMENT OF ECONOMIC BETTERMENT--FOR WHICH A FAIR CASE MIGHT BE MADE ON THE GOP'S BEHALF--IS RATHER CURSORY COMPARED TO THE FULL DISCUSSION OF POLITICAL RIGHTS. THE REPORT ALSO INCLUDES A 17-PAGE APPENDIX BY OPPOSITIONISTS JURIST ROBERT CONCEPCION ON THE ADMINISTRATION OF JUSTICE UNDER MARTIAL LAW. THE ADDITION OF A STATEMENT BY A PRO-GOVERNMENT JURIST (IF THIS WERE POSSIBLE) MIGHT HAVE PROVIDED SOME DESIRABLE BALANCE. WE WOULD ALSO POINT OUT THAT, SINCE THE REPORT EVIDENTLY WENT TO PRESS IN THE SPRING OF THIS YEAR, THERE ARE OMITTED REFERENCES TO CERTAIN OF THE MODEST STEPS (E.G., RELEASE OF DETAINEES, DIMINUTION OF THE PURVIEW OF MILITARY TRIBUNALS) WHICH THE GOP HAS TAKEN TO IMPROVE ITS HUMAN RIGHTS RECORD IN RECENT MONTHS.

5. WE WOULD NOTE FURTHER THAT THERE ARE A NUMBER OF REFERENCES IN THE STUDY WHICH SUGGEST VISIONS OF A "KHAKA PERIL" BY THE WRITERS. THUS IN THE CONCLUSIONS SECTION THE REPORT STATES THAT THE PRESENT GOP IS SEEKING "TO CONFIDENTIAL

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INCREASE THE POWER OF THE MILITARY TO CONTROL PHILIPPINE SOCIETY" AND THAT THE GOP "HAS PLACED...OVERWHELMING PRIORITY ON STRENGTHENING THE MILITARY SECTOR...." WE BELIEVE SUCH DESCRIPTIONS OF MARCOS' POSTURE RESPECTING THE MILITARY ROLE IN THIS MARTIAL LAW SOCIETY TEND TO BE OVERSATISFIED.

6. NOTWITHSTANDING THESE SOFT SPOTS, THE ICJ REPORT SHOULD BE A SIGNIFICANT ELEMENT OF SUPPORT TO THE USG POLICY OF MAINTAINING PRESSURE ON THE GOP FOR IMPROVEMENT ON HUMAN RIGHTS ISSUES.
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